

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HAMZAH RAFI FARID,
a/k/a DARRYL A. ROBINSON, #172898,

Plaintiff,

v.

Case No. 05-cv-73947

TONY BAYNES,

Defendant.

ORDER DENYING PLAINTIFF'S REQUEST TO RE-OPEN CASE

In 2005, Plaintiff Hamzah Rafi Farid, also known as Darryl A. Robinson, filed a *pro se* civil rights complaint in the Western District of Michigan. The complaint alleged that, on July 4, 2005, Defendant Tony Baynes, a unit officer at a prison in Jackson, Michigan, went to Plaintiff's cell and stated that he needed all of Plaintiff's property because Plaintiff was "riding out." Plaintiff then packed his personal property, including legal documents, and delivered the property to Baynes. Baynes allegedly failed to issue a receipt and never returned the property. Plaintiff sought immediate return of his property and \$10,000,000.00 in damages for mental distress.

The case was transferred to this district, and on November 1, 2005, United States Magistrate Judge R. Steven Whalen ordered Plaintiff to submit the filing fee for his complaint or an application for leave to proceed without prepayment of the fees and costs. Magistrate Judge Whalen warned Plaintiff that failure to comply with his order within twenty-one days could result in the dismissal of the complaint. Plaintiff did not respond to Magistrate Judge Whalen's order, and on January 11, 2006, the court

dismissed the complaint without prejudice because Plaintiff neither submitted the filing fee nor requested permission to proceed without prepayment of the filing fee.

Currently before the court is Plaintiff's unsigned letter, which he filed on May 1, 2015. (Dkt. # 4.) In his letter, Plaintiff requests that his case be re-opened. Plaintiff asserts that he is in imminent danger because he cannot feed himself and lacks the transcripts he needs to pursue his case. He seems to allege that the transcripts were in the duffle bag that Defendant Baynes took from him in 2005.

This case has been closed for over nine years. Furthermore, Plaintiff still has not paid the filing fee for his complaint, nor has he applied in the proper manner for leave to proceed without prepayment of the filing fee and costs for this action. Accordingly,

IT IS ORDERED that Plaintiff's request to re-open the case (Dkt. # 4) is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 4, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 4, 2015, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522